

March 27, 2003

Ms. Rebecca Kane  
U.S. Environmental Protection Agency  
Office of Enforcement and Compliance Assurance  
Mail Code 2222A  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

E-Mail address:  
ECHO@EPA.GOV

Re: Enforcement and Compliance History On-line Public Comments

Dear Ms. Kane:

On behalf of Safety-Kleen Systems, Inc., a major North American supplier of parts washers and industrial waste management services, the following comments are filed in response to the U.S. Environmental Protection Agency's Federal Register Vol. 67, No. 224, dated, November 20, 2002.

Safety-Kleen has reviewed all of the material posted about Safety-Kleen facilities on EPA's ECHO website, and the Company will work with the appropriate state agencies and officials to correct the numerous and significant errors present. Safety-Kleen also offers the following formal comments regarding the policies and processes under which the program was developed and is being implemented.

In general, while Safety-Kleen supports the public disclosure of meaningful information regarding the management of the nation's hazardous wastes, we believe simply supplying raw data to the public can be misleading and cause tangible economic harm to companies in the hazardous waste management industry. For example, the above-referenced errors in reported Safety-Kleen data have caused confusion among some of our customers and, while we have not yet lost a customer or potential customer specifically due to the data presented, we remain concerned that such a possibility exists.

Specific concerns with the ECHO database include:

1. Alleged facility deficiencies are entered into the system and appear in the database regardless of whether they were contested and/or eventually dropped by the involved state agency. This amounts to being found guilty until proven innocent.

Suggestion: We suggest that data should not be entered until a situation is resolved or, if such entries are made, they should have some form of notation explaining current status, and they should be corrected at the time of final resolution to accurately reflect that resolution.

2. Company-wide consent agreements and penalties reached with EPA appear in the ECHO database as being assigned to each individual facility, creating the misleading impression of significant penalties and deficiencies having been levied at individual sites.

Suggestion: Create a separate category to identify such Company-wide agreements and do not apply them against every facility owned by a given company.

3. There is no obvious method for removing dormant or former sites from RCRIS. For example, specific to Safety-Kleen, there are many sites listed as SK sites that were, in fact, once temporary household hazardous waste collection sites but no longer exist.

Suggestion: Develop a system and appropriate criteria for removing facilities from RCRIS and other EPA media tracking systems

4. The term "Significant Non-Compliance" as used within ECHO is highly misleading and, we believe, both inaccurate and inappropriate. It appears that this term was taken from the OECA Enforcement Response Policy of 1996, with a 2000 addendum, and we do not believe its use in this system is either fair or appropriate.

Suggestion: If the term Significant Non-Compliance is to be used as a separate branding tool, then the term and its criteria should be subject to public Notice and Comment.

5. A 1992 settlement and penalty was signed and paid for Safety-Kleen's Poca, WV, facility. The facility was RCRA-closed in 1995, but ECHO indicates it has been in continued Significant Non-Compliance since 1988.

Suggestion: Correct the database.

6. Facilities that have been initially cited for minor issues during inspections, but who subsequently correct those deficiencies and receive an oral certification that they are in compliance, and therefore do not receive a follow-up letter certifying compliance remain listed in the ECHO system as still in violation from the original inspection.

Suggestion: Establish a system to accurately reflect corrective actions taken and subsequent facility compliance.

7. Not all facility inspections that are conducted are reflected in the ECHO database, creating the misleading impression that some facilities are not inspected on a regular or frequent basis.

Suggestion: Accurately reflect, as promptly as possible, all inspections conducted, and note prominently in the database the lag time between inspections being conducted and being placed into the system (i.e., the reporting system is always a certain number of weeks or months out of date.)

Thanks you for you attention to these issues.

Sincerely,

Dan Appelt  
Director of Compliance Administration  
Safety-Kleen Systems, Inc.